UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte RAYMOND HORNBACK, JAMES S. JOHNSTON, MARK S.
KRESSIN, ANDREW M. ORTWEIN, and WILLIAM M. QUINN

_____

Appeal 2009-2647
Application 10/737,064
Technology Center 2600

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Decided[1]: April 27, 2009

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Before KENNETH W. HAIRSTON, JOSEPH F. RUGGIERO,
and ELENI MANTIS MERCADER, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

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[1] The two-month time period for filing an appeal or commencing a civil
action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date
shown on this page of the decision. The time period does not run from the
Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1-8 and 10-14. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

Appellants' claimed invention is directed to a componentized system for distributing application imagery (Fig. 1, 160PRE) during an application sharing session between an application sharing host 110 configured to "share" a shared application with a multiplicity of shared application viewers 130 over a data communications network 120 (Fig. 1 and Spec. ¶ [0015]). The application sharing host 110 is configured with a componentized application sharing module 140 having pluggable image processing logic (Fig. 1; 170A-n, 175A-n, 180A-n, 185A-n, and 190A-n pluggable image logic) (Fig. 1 and Spec. ¶ [0015]). A shared application server is configured to interoperate with pluggable image processing logic based upon the requirements of a shared application hosted in the shared application server (Spec. ¶ [0014]). For example, when the hosted shared application requires high fidelity imaging, pluggable image processing logic can be selected to achieve lossless image capturing and compression (Spec. ¶ [0014]). On the other hand, when the shared application requires high transmission speeds regardless of image fidelity, image processing logic can

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be selected to achieve high image compression ratios and small image packaging sizes (Spec. ¶ [0014]). Thus, the characteristics of the shared application can be considered in configuring the shared application server (Spec. ¶ [0014]).

Claim 1, reproduced below, is representative of the subject matter on appeal:

1. A componentized application sharing system configured for use with a shared application host, the system comprising:

a plurality of different pluggable image processing modules, each of said different pluggable image processing modules conforming to a corresponding single interface expected by the application sharing module, each of said different pluggable image processing modules being selectable to meet requirements of a shared application hosted in the shared application host; and,

a communicative coupling between the application sharing module and a selected one of said different image processing modules.

THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

Shen	US 6,055,017	Apr. 25, 2000
De Queiroz	US 2001/0041017 A1	Nov. 15, 2001
Roylance	US 2003/0007703 A1	Jan. 09, 2003

Jong Whan Jang, *Performance Evaluation of Scene Change Detection Algorithms*, in Communications, Vol. 2., at 841-844 (IEEE 1999) (hereinafter Jang).

The following rejections are before us for review:

1. The Examiner rejected claims 1-4, 8, and 10-12 under 35 U.S.C. § 102(e) as anticipated by Roylance.

2. The Examiner rejected claims 1, 2, 7, 8, and 10 under 35 U.S.C. § 102(b) as anticipated by De Queiroz.

3. The Examiner rejected claims 6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over De Queiroz in view of Shen, and alternatively, over Roylance in view of Shen.

4. The Examiner rejected claims 5 and 13 under 35 U.S.C. § 103(a) as being unpatentable over De Queiroz in view of Jang, and alternatively, over Roylance in view of Jang.

Appellants argue the rejection of claims 1-4, 8, and 10-12 under 35 U.S.C. § 102(e) as anticipated by Roylance as a group with claims 1 and 8 as representative (App. Br. 5).[2] Accordingly, claims 2-6 and 10-14 stand or fall with independent claims 1 and 8. *See* 37 C.F.R. § 41.37 (c)(1)(vii) (2004).

Although Appellants argue the rejection of claims 1, 2, 5-7, 8, 10, and 13-14 as a group with claims 1 and 8 as representative (App. Br. 7), claims

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[2] Only arguments made by Appellants have been considered in this decision. Arguments which Appellants could have made but did not make in the Brief have not been considered and are deemed waived. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2004).

6 and 14 were rejected under § 103 over the additional prior art reference of Shen and on the alternative grounds of Roylance in view of Shen. Accordingly, we select independent claims 1 and 8 as representative of the group comprising claims 1, 2, 7, 8, and 10. However, we treat claims 6 and 14 separately in accordance with their appropriate grouping, as they were rejected under § 103. *See* 37 C.F.R. § 41.37(c)(1)(vii). For similar reasons, claims 5 and 13 are also addressed separately.

ANTICIPATION
ISSUES

1. Rejection of claims 1-4, 8, and 10-12 under 35 U.S.C. § 102(e) as anticipated by Roylance.

Appellants contend that contrary to the Examiner's argument, Roylance's disclosure in paragraph 0035 does not teach a selection of an "image processing module in order to meet the requirements of a shared application" (App. Br. 6). Furthermore, Appellants further argue that Roylance's discosure in paragraph 0032 stands for the proposition of message passing with no insight into shared applications (App. Br. 7). Appellants further assert that Roylance's disclosure addresses the "data itself" and not the shared application (App. Br. 7).

The Examiner responds that Roylance's paragraph 0035 describes that the image data are shared with multiple logic modules (Ans. 11). Furthermore, the Examiner states that the term "shared application" is broadly recited in the claims and is not given any specific description as to

the type of application (Ans. 11). The Examiner clarifies that Roylance clearly states that "support buses 308 provide either dedicated or shared data paths over which image data (and any associated control data) can be shared between various logic modules 306" (Ans. 11 and Roylance ¶ [0026]). The Examiner further identifies that the shared application host is element 118 as shown in Figure 1 of Roylance.

The first issue before us, then, is as follows:

Have Appellants shown that the Examiner erred by determining that Roylance teaches a shared application as claimed?

2. Rejection of claims 1, 2, 7, 8, and 10 under 35 U.S.C. § 102(b) as anticipated by De Queiroz.

Appellants contend that De Quiroz fails to teach different pluggable image processing modules being selectable to meet the requirements of a shared application hosted in a shared application host (App. Br. 7). Furthermore, Appellants assert that, contrary to the claims, De Quiroz addresses serial transmission of data—not a shared application (App. Br. 7).

The Examiner responds that De Queiroz discloses the limitation as follows: each of said different pluggable image processing modules (i.e., MI-M4) being selectable (i.e., selecting the most appropriate module) to meet requirements of a shared application hosted (i.e., 104) in the shared application host (i.e., 10; Figs. 1 and 2; and ¶ [0043]).

The second issue before us, then, is as follows:

Have Appellants shown that the Examiner erred by determining that De Queiroz teaches a shared application as claimed?

FINDINGS OF FACT

The relevant facts include the following:

Roylance

1. Roylance teaches different logic modules 306 of logic 202 being selectively implemented (¶ [0036]; referring to selectively forming multiple logic image processing pipelines to be formed) by image processing mechanisms 206 as required by image device 118 to complete its processing function (¶ [0020] and Figures 1-3).

2. Roylance further teaches that the logic modules are provided with messages to process image data (¶ [0035]) according to the image processing of interest by enabling or disabling certain modules (¶ [0030]).

3. Roylance teaches that each logic module provides image processing to support an imaging need (¶ [0030]).

4. Roylance explicitly describes implementation of three 306 modules, wherein the first one is a decompression module used for decompression of image data, the second one is a halftone module 306 used to generate corresponding monochrome raster image data, and the third one is a marking device module configured to output print driving engine control input/output (I/O) signals allowing the image to be printed (i.e., sharing the image data between the image processing device 118 and the printer 110) (¶ [0037] and Fig. 1).

5. Roylance teaches that image data can be shared by any one of the image processing devices depicted in Figure 1 (¶ 0018).

Appellants' disclosure

6. Appellants' shared application is the image data of the rendered displayed image being shared between the Application Sharing host 110 and the Application Sharing Viewers 130 (Appellants' Specification Figure 1 and ¶ [0005]).

De Queiroz

7. De Queiroz discloses that each of the different pluggable image processing modules (i.e., in Fig. 2, modules MI-M4) are selectable based on whether high quality or low quality image data are to be transmitted (¶ [0043]).

8. De Queiroz teaches that the image analyzer 104 of the host fax machine 10 checks the content of each of the image data block 102 of the shared scanned image 28 to determine whether a high quality producing module such as M1 or M2 is required to meet requirements of a shared hosted scanned image 28 (¶ [0038]- ¶ [0039] and ¶ [0043]).

9. De Queiroz teaches that the shared scanned image 28 (i.e., shared application) is to be shared between the transmitting fax machine 10 and a receiving fax machine 26 via modem 24 (¶ [0038]-¶ [0039] and ¶ [0043]).

PRINCIPLES OF LAW

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. Inc., v. Union Oil Co. of Calif.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

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ANALYSIS

1. Have Appellants shown that the Examiner erred by determining that Roylance teaches a shared application as claimed?

Roylance teaches different logic modules 306 of logic 202 being selectively implemented by image processing mechanisms 206 as required by image device 118 to complete its processing function (Finding of Fact 1). Roylance further teaches that the logic modules are provided with messages to process image data according to the image processing of interest by enabling or disabling certain modules (Finding of Fact 2). Each logic module provides image processing to support an imaging need (Finding of Fact 3). Roylance explicitly describes implementation of three modules 306, wherein the first one is a decompression module 306 used for decompression of image data, the second one is a halftone module 306 used to generate corresponding monochrome raster image data, and the third one 306 is a marking device module configured to output print driving engine control input/output (I/O) signals allowing the image to be printed (i.e., sharing the image data between the image processing device 118 and the printer 110) (Finding of Fact 4). Furthermore, Roylance teaches that image data can be shared by any one of the image processing devices depicted in Figure 1 (Finding of Fact 5).

Thus, Roylance teaches that each of the different pluggable image processing modules (i.e., logic modules 306 as processed by the image processing mechanism 206 and Finding of Fact 1) conforms to a corresponding single interface expected by the application sharing module

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(i.e., messaging between the three logic modules 306 and Finding of Facts 2 and 4) wherein each of the different pluggable image processing modules is being selectable (i.e., selection from the plurality of three specific 306 logic modules out of a plurality of them) to meet the requirements of a shared application (to prepare image data for printing and sharing them with the printer 110; Finding of Fact 4) and hosted in the shared application host (i.e., image processing device 118) as claimed. In other words, Roylance does teach a "shared application" which is the *image data being shared between the image processing device 118 and printer 110*. We note that Appellants' shared application is the image data of the rendered displayed image being shared between the Application Sharing host 110 and the Application Sharing Viewers 130 (Finding of Fact 6). However, Appellants did not claim a "displayed rendered image data" as the *shared application*, and thus, the claim does not preclude sharing raw image data (or sharing the manipulated raw data itself) as the shared application.

Accordingly, we do not agree with Appellants' first contention (App. Br. 6) because Roylance does in fact teach a selection of image processing modules (Finding of Fact 4) to meet the requirements of a shared application (i.e., preparing and communicating image data from the image processing device 118 to the printer 110; Finding of Fact 4). We are also not persuaded by Appellants' argument that Roylance's discosure in paragraph 0032 stands only for the proposition of message passing with no insight into shared applications (App. Br. 7), because that paragraph addresses the selection of the modules of interest and their intercommunications in order to effect the shared application (Finding of Facts 1-5).

For the foregoing reasons, Appellants have not persuaded us that the Examiner erred in rejecting representative claims 1 or 8 or their dependent claims 2-4 and 10-12 which fall with claims 1 and 8. Accordingly, we sustain the Examiner's rejection of these claims.

2. Have Appellants shown that the Examiner erred by determining that De Queiroz teaches a shared application as claimed?

De Queiroz discloses that each of the different pluggable image processing modules (i.e., in Fig. 2, modules MI-M4) are selectable based on whether high quality or low quality image data are to be transmitted (Finding of Fact 7). De Queiroz teaches that the image analyzer 104 of the host fax machine 10 checks the content of each of the image data block 102 of the shared scanned image 28 to determine whether a high quality producing module such as M1 or M2 is required to meet requirements of a shared hosted scanned image 28 (Finding of Fact 8). The shared scanned image 28 (i.e., shared application) is to be shared between the transmitting fax machine 10 and a receiving fax machine 26 via modem 24 (Finding of Fact 9).

Thus, the shared application is the scanned image 28. Accordingly, we also do not agree with Appellants' contention that De Queroz does not teach a shared application. Furthermore, Appellants' assertion that De Quiroz addresses serial transmission of data is not commensurate in scope with the claim language which only requires a shared application.

For the foregoing reasons, Appellants have also not persuaded us that the Examiner erred in rejecting representative claims 1 or 8 or their

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dependent claims 2, 7, and 10 which fall with claims 1 and 8. Accordingly, we also sustain the Examiner's rejection of these claims.

OBVIOUSNESS

Appellants have presented no further arguments as to the rejected claims 5-6 and 13-14 based on combinations of De Queiroz or Roylance with the additional references of Shen or Jang, but instead rely on the arguments provided for claims 1 and 8 (App. Br. 7). Thus, for the same reasons as articulated *supra* we find that the Examiner did not err in rejecting claims 5-6 and 13-14 under 35 U.S.C. § 103(a).

CONCLUSIONS

1. Under 35 U.S.C. § 102(e), Appellants have not shown that the Examiner erred by determining that Roylance teaches a shared application as claimed in claims 1-4, 8 and 10-12.

2. Under 35 U.S.C. § 102(b), Appellants have not shown that the Examiner erred by determining that De Queiroz teaches a shared application as claimed in claims 1, 2, 7, 8, and 10.

3. Under 35 U.S.C. § 103(a), Appellants have not shown that the Examiner erred in rejecting claims 5-6 and 13-14.

ORDER

The decision of the Examiner to reject claims 1-8 and 10-14 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

<u>AFFIRMED</u>

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